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17 **UNITED STATES DISTRICT COURT**
18 **CENTRAL DISTRICT OF CALIFORNIA**

19 Ms. J.P., et al.,

20 Plaintiffs,

21 v.

22 WILLIAM P. BARR, et al.,

23 Defendants.

Case No. 2:18-cv-06081-JAK-SK

Assigned to the Hon. John A. Kronstadt
and the Hon. Steve Kim

**DECLARATION OF KEVIN M. FEE
IN SUPPORT OF PLAINTIFFS'
MOTION TO COMPEL**

Date: February 5, 2020

Time: 10:00 a.m.

Place: Roybal Federal Building and
United States Courthouse
255 E. Temple Street
Courtroom 540
Los Angeles, CA 90012

Action Filed: July 12, 2018

Discovery Cutoff Date: October 5, 2020

Pretrial Conference: TBA
Trial Date: April 20, 2021

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23 *Admitted pro hac vice

24 ** Institution listed for identification purposes only
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1 I, Kevin M. Fee, declare and say as follows:

2 1. I am an attorney admitted *pro hac vice* to the bar of the United States
3 District Court for the Central District of California. I am one of the attorneys for
4 Plaintiffs in the above-entitled action. My business address is One South Dearborn
5 Chicago, Illinois 60603. I have personal knowledge of the information set forth in
6 this declaration and, if called as a witness, I could and would testify competently
7 thereto.

8 2. A true and correct copy of the scheduling order in this matter, Order Re
9 Joint Report (Dkt. 256) / Scheduling Order, dated November 20, 2019 is attached
10 hereto as Exhibit A. That order is Document 259 on the ECF Docket in this action.

11 3. Attached hereto as Exhibit B is a true and correct copy of the Minutes for
12 the scheduling conference held on September 20, 2018 which are Document 137 on
13 the ECF document in this action. That document states “The scheduling conference is
14 not held.”

15 4. Attached as Exhibit C hereto is a true and correct copy of Plaintiff’s First
16 Set of Request for Production of Documents to Defendants which was served on
17 January 10, 2019.

18 5. Attached as Exhibit D hereto is a true and correct copy of Defendant
19 Department of Justice’s and Former Attorney General Sessions’ Supplemental
20 Responses to Plaintiffs’ First Set of Requests for Production of Documents which was
21 served December 17, 2019. The original responses were served November 12, 2019.

22 6. Attached as Exhibit E hereto is a true and correct copy of Defendant
23 DHS’ Supplemental Responses to Plaintiffs’ First Set of Requests for Production of
24 Documents which was served December 17, 2019. The original responses were
25 served November 12, 2019.

26 7. Attached as Exhibit F hereto is a true and correct copy of Defendant
27 Department of Health and Human Services’ Supplemental Responses to Plaintiffs’
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1 First Set of Requests for Production of Documents which was served December 17,
2 2019. The original responses were served November 12, 2019.

3 8. Attached as Exhibit G hereto is a true and correct copy of the Court's
4 Order re Plaintiffs' Motion for Class Certification (Dkt. 82); Plaintiffs' Motion for
5 Preliminary Injunction (Dkt. 45); Defendants' Motion to Dismiss (Dkt. 132). That
6 order is Document 251 on the ECF Docket in this action.

7 9. Attached as Exhibit H hereto is a true and correct copy of the Complaint
8 in this action. The Complaint is Document 1 on the ECF Docket in this action.

9 10. Attached as Exhibit I hereto is a true and correct copy of an email from
10 Defendants' counsel Nicole Murley to me and others dated December 13, 2019.

11 11. Attached as Exhibit J hereto is a true and correct copy of an email from
12 Defendant's counsel Nicole Murley to me and others dated December 3, 2019.

13 12. Attached as Exhibit K hereto is a true and correct copy of an email from
14 Plaintiffs' counsel Amy Lally to Defendants' counsel dated November 14, 2019 which
15 attached a draft protective order.

16 13. Attached as Exhibit L hereto is a true and correct copy of a meet and
17 confer letter sent by Plaintiffs' counsel to Defendants' counsel on November 21, 2019.

18 14. Attached as Exhibit M hereto is a true and correct copy of Defendants'
19 Opposition to Plaintiffs' Motion for Classwide Preliminary Injunction filed August
20 13, 2018. This document is Document 109 on the ECF Docket in this action.

21 15. Attached as Exhibit N hereto is a true and correct copy of the Stipulation
22 and Protective Order Governing the Handling of Confidential Material entered in *Ms.*
23 *L. et al., v. U.S. Immigration and Customs Enforcement, et al.*, No. 3:18-cv-00428
24 (S.D. Cal.) (Sabraw, J.) on July 9, 2018. This order is Document 92 on the ECF
25 Docket in that action.

26 16. Attached as Exhibit O hereto is a true and correct copy of a release by the
27 Office of Inspector General of the Department of Health and Human Services entitled
28 "HHS OIG: Many Children Separated from Parents, Guardians Before *Ms. L. v. Ice*

1 Court Order and Some Separations Continue” dated January 17, 2019. This release is
2 available at <https://www.oig.hhs.gov/newsroom/news-releases/2019/uac.asp>.

3 17. Attached as Exhibit P hereto is a true and correct copy of an email from
4 Defendant’s counsel Lindsay Vick to me and others dated December 18, 2019.

5 18. Attached as Exhibit Q hereto is a true and correct copy of Defendants’
6 Notice of Lodging Inmate Health Slip dated September 27, 2018. This document is
7 Document 141 on the ECF Docket in this action.

8 19. Attached as Exhibit R hereto is a true and correct copy of a Time
9 Magazine article entitled “Trump Administration Has Separated 1,556 More Migrant
10 Children Than Previously Known.” This article was published October 26, 2019 and
11 is available at [https://time.com/5710953/trump-administration-confirms-more-](https://time.com/5710953/trump-administration-confirms-more-migrant-family-separation/)
12 [migrant-family-separation/](https://time.com/5710953/trump-administration-confirms-more-migrant-family-separation/).

13 20. Attached as Exhibit S hereto is a true and correct copy of a CBS News
14 article entitled “1,556 more migrant families were separated under Trump than
15 previously known.” This article was published on October 25, 2019 and is available
16 at [https://www.cbsnews.com/news/family-separation-1556-more-migrant-families-](https://www.cbsnews.com/news/family-separation-1556-more-migrant-families-were-separated-under-trump-than-previously-known/)
17 [were-separated-under-trump-than-previously-known/](https://www.cbsnews.com/news/family-separation-1556-more-migrant-families-were-separated-under-trump-than-previously-known/).

18 I declare under penalty of perjury under the laws of the United States of
19 America that the foregoing is true and correct.

20 Executed on this 15th date of January, 2020, at Chicago, Illinois.

21
22 /s/ Kevin M. Fee
23 Kevin M. Fee
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CERTIFICATE OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 1999 Avenue of the Stars, 17th Floor, Los Angeles, California 90067.

On January 15, 2019, I served the foregoing document(s) described as **DECLARATION OF KEVIN M. FEE IN SUPPORT OF PLAINTIFFS' MOTION TO COMPEL** on all interested parties in this action by the method described below:

I electronically filed the foregoing with the Clerk of District Court using its CM/ECF system, which electronically provides notice.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Amy P. Lally
Amy P. Lally
Attorney for Plaintiffs